

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

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Brett Laug

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jose Mauricio AGUILAR-HERNANDEZ

Case No.

Case: 2:25-mj-30048

Assigned To : Unassigned

Assign. Date : 2/7/2025

Description: RE: JOSE MAURICIO
AGUILAR-HERNANDEZ (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 4, 2025 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section 1326(a), (b)(1) Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:


On or about February 4, 2025, in the Eastern District of Michigan, Southern Division, Jose Mauricio AGUILAR-HERNANDEZ an alien from Mexico, who had previously been convicted of a felony offense and was subsequently denied admission, excluded, deported, and removed therefrom on or about November 15, 2012 at or near Brownsville, Texas, was found in the United States without having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a), (b)(1).

☒ Continued on the attached sheet.
Complainant's signature

Brett Laug, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: February 7, 2025
Judge's signatureCity and state: Detroit, Michigan

Hon. David R. Grand, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Brett A. Laug, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed the immigration file and system automated data relating to Jose Mauricio AGUILAR-HERNANDEZ. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and arrest warrant for Jose Mauricio AGUILAR-HERNANDEZ, for a violation of 8 U.S.C. §1326 (a), (b)(1), Unlawful Re-Entry Following Removal, prior felony conviction. I have not included every fact known to law enforcement related to this investigation.
2. On February 04, 2025, at approximately 6:48 AM, as part of Operation Tempest Edge, Border Patrol Agents assigned to the Central Region Anti-Smuggling Unit coordinated with Inkster Police Officers to conduct a targeted enforcement action. Through prior investigative efforts, Border Patrol Agents identified Jose Mauricio AGUILAR-HERNANDEZ as a subject of interest. Inkster Police Officers conducted a traffic stop on a vehicle bearing Michigan License Plate #EGA 961 for an obstructed plate on South Beech Daly Street near Notre Dame Street in Inkster, Michigan. The vehicle, occupied by a single adult male, was registered to AGUILAR-HERNANDEZ. During the traffic stop, the driver was unable to provide a valid driver's license.
3. Border Patrol Agents assigned to the Central Region Anti-Smuggling Unit responded to assist Inkster Police Officers with identifying the subject. AGUILAR-HERNANDEZ was issued a citation #25IN00738 for Operating a Vehicle Without a License, Suspended/Revoked/Denied; Obstruction of License Plate and Open Intoxicant in Vehicle. AGUILAR-HERNANDEZ'S vehicle was towed and impounded.
4. After confirming his illegal status in the United States, AGUILAR-HERNANDEZ was surrendered to Border Patrol Agents, who transported him to the Gibraltar Border Patrol Station for further processing.

5. While at the Gibraltar Border Patrol Station, AGUILAR-HERNANDEZ'S fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Next Generation Identification (NGI). The results revealed that AGUILAR-HERNANDEZ is a citizen of Mexico, with no record of legally entering the United States.
6. On May 11, 2006, AGUILAR-HERNANDEZ was encountered by Immigration Customs Enforcement Agents, Criminal Alien Program in Dallas, Texas after being arrested on June 20, 2005, for the offense of possession of a controlled substance less than one gram (Felony). AGUILAR-HERNANDEZ was sentenced to 3 years' probation and a fine of \$1,500. AGUILAR-HERNANDEZ was offered and accepted a voluntary Return to Mexico.
7. On August 12, 2006, AGUILAR-HERNANDEZ was arrested by United States Border Patrol in Laredo, Texas. AGUILAR-HERNANDEZ claimed he entered the United States by wading across the Rio Grande River with several other persons. He was given an order of Expedited Removal under section 235(b)(1) of the Immigration and Nationality Act (INA). On August 12, 2006, AGUILAR-HERNANDEZ was removed from the United States.
8. On or about August 15, 2006, AGUILAR-HERNANDEZ was arrested by United States Border Patrol in Brackettville, Texas, and was processed for Reinstatement of Deport Order I-871. AGUILAR-HERNANDEZ was convicted of 8 USC §1325 and to 180 days custody. AGUILAR-HERNANDEZ was removed from the United States on February 13, 2007, near Presidio, Texas.
9. On April 26, 2009, AGUILAR-HERNANDEZ was arrested under the alias name of Andres A HERNANDEZ in Baton Rouge, LA, for the following charges: Operating Vehicle Without Lawful Presence in the U.S., Driver Must Be Licensed, Careless Operation and Operating a Vehicle While Intoxicated. Disposition: Unknown.
10. On June 28, 2011, AGUILAR-HERNANDEZ was convicted in the United States District Court, Middle District of Louisiana, of Unlawful Reentry into the United States, in violation of 8 U.S.C. §1326(a). He was sentenced on March 30, 2012, to 9 months' imprisonment and supervised release for one year.

11. On January 1, 2012, AGUILAR-HERNANDEZ was encountered by Immigration Customs Enforcement Agents in Louisiana after being arrested on June 27, 2011, for the following charges: DWI 1; Careless Operation / Vehicle, No Driver's License. On December 12, 2011, AGUILAR-HERNANDEZ was convicted of DWI 3 Vehicle. He was sentenced to one year in the Louisiana Department of Corrections, and a fine of \$2,000, which was suspended.
12. On November 15, 2012, AGUILAR-HERNANDEZ was removed to Mexico from the Brownsville, Texas, port of entry.
13. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
14. Review of the Alien File (A#XXX XXX318) for Jose Mauricio AGUILAR-HERNANDEZ and queries in U.S. Department of Homeland Security databases confirm no record exists of AGUILAR-HERNANDEZ obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States after his removal from the United States on November 15, 2012.
13. Based on the above information, I believe there is probable cause to conclude that Jose Mauricio AGUILAR-HERNANDEZ is a native and citizen of Mexico, who was previously convicted of a felony offense and subsequently removed from the United States and was thereafter found in the United States,

without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a), (b)(1).



Brett A. Laug, Border Patrol Agent
U.S. Department of Homeland Security

Subscribed and sworn to before me and signed in my presence and/or by reliable electronic means.



Honorable David R. Grand
United States Magistrate Judge

February 7, 2025